

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

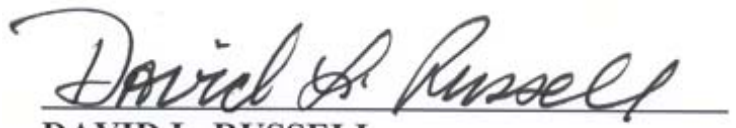
MICHAEL A. CAMPBELL,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-13-926-R
)	
JUSTIN JONES, OKLAHOMA)	
BOARD OF CORRECTIONS,)	
GENESE MCCOY, ERIC)	
FRANKLIN, TERRY MARTIN,)	
JODY JONES, REBECCA MAKER)	
and NADINE [KELLOGG],et al.,)	
)	
Defendants.)	

ORDER

Plaintiff, a state prisoner, filed this action alleging a violation of his constitutional rights. Pursuant to 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Charles B. Goodwin for preliminary review. On January 21, 2014, Judge Goodwin issued a Report and Recommendation, wherein he recommended that (1) Plaintiff's claims against the Oklahoma Board of Corrections be dismissed without prejudice as a result of Eleventh Amendment Immunity; (2) that Plaintiffs' official capacity claims against the individual Defendants seeking monetary relief be dismissed on that same basis; (3) that Plaintiff's claims against the individual Defendants seeking prospective injunctive relief or declaratory relief be dismissed, but that Plaintiff be granted leave to amend to attempt to plead such claims; (4) that Plaintiff's claims for damages against Defendants Justin Jones, Genese McCoy, Eric Franklin and Terry Martin in their individual capacities be dismissed

without prejudice for failing to state a claim, but with leave to amend so that Plaintiff may attempt to properly plead; and (5) that Plaintiff's Motion for Injunctive Relief and Issuance of a Temporary Order be denied. The record reflects that Plaintiff has not filed an objection to the Report and Recommendation within the time limits prescribed therein, nor has he sought an extension of time in which to object. Accordingly, the Report and Recommendation is hereby adopted. Plaintiff's claims are dismissed as set forth above, although he is hereby granted leave to submit an amended complaint, not later than March 1, 2014, that remedies deficiencies noted by the Report and Recommendation.

IT IS SO ORDERED this 19th day of February, 2014.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE